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10 Attorneys for Defendant
11 SERRANO ELECTRIC, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

14 QUALITY INVESTMENT PROPERTIES
15 SANTA CLARA, LLC, a Delaware limited
liability company,

16 Plaintiff,

17 v.

18 SERRANO ELECTRIC, INC., a California
19 corporation; and PETERSON POWER
SYSTEMS, INC., a California Corporation,

20 Defendants.

21
22 SERRANO ELECTRIC, INC.,

23 Cross-claimant,

24 v.

25 PETERSON POWER SYSTEMS, INC.,

26 Cross-defendant,

27 AND RELATED CROSS-ACTIONS.

Case No.: CV-09-5376-LHK

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONDUCT THE
CONTINUED DEPOSITION OF
PLAINTIFF'S RETAINED EXPERT
ON JULY 29, 2011**

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STIPULATION AND ~~PROPOSED~~ ORDER TO CONDUCT THE CONTINUED DEPOSITION OF
PLAINTIFF'S RETAINED EXPERT ON JULY 29, 2011

1 The parties submit this Stipulation and [Proposed] Order:

2 1. Defendants Serrano Electric, Inc. and Peterson Power Systems, Inc. deposed
3 plaintiff Quality Investment Properties Santa Clara, LLC's retained expert witness, Jeffery
4 Kinrich, on June 29 in Los Angeles. Mr. Kinrich will be testifying on the issue of damages.

5 2. At the deposition on June 29 at approximately 5:15 p.m., the court reporter had
6 informed the parties that she had an autistic child at home by himself and that she could not find
7 anyone to watch him. She had not anticipated that the deposition would continue past 5:00 p.m.
8 but informed counsel that she could stay until 6:15 p.m. The parties continued with Mr.
9 Kinrich's deposition until 6:15 p.m. Defendants had not completed Mr. Kinrich's deposition at
10 that time and have an approximately 90 minutes left on the record (based on the 7-hour time
11 limit.) The parties agreed on the record to complete Mr. Kinrich's deposition during the week of
12 July 25. Mr. Kinrich's deposition could not be completed sooner than the week of July 25
13 because of the parties' conflicting schedules and because Mr. Kinrich was out of the country for
14 two weeks in early July.

15 3. The expert discovery cut-off date in this matter was July 12, 2011. However, all
16 counsel stipulate to conducting the deposition of Mr. Kinrich on July 29 in Los Angeles.

17 4. Therefore, this stipulation and [proposed] order solely seeks the Court's
18 permission to conduct Mr. Kinrich's deposition on July 29 so as to complete the witness's
19 deposition, not to continue the discovery cut-off deadline so that the parties can continue to
20 conduct any other expert discovery.

21 Respectfully submitted,

22 DATED: July 21, 2011

LeClairRyan LLP

24 By: _____/s/_____
25 Jill K. Rizzo
26 Charles H. Horn
27 Jill K. Rizzo
Attorneys for Defendant/Cross-
defendant/Cross-claimant
SERRANO ELECTRIC, INC.

DATED: July 21, 2011

Lewis Brisbois Bisgaard & Smith LLP

By: Katherine A. Higgins_____/s/_____
Katherine A. Higgins
Attorneys for Defendant/Cross-
defendant/Cross-claimant
PETERSON POWER SYSTEMS, INC.

DATED: July 21, 2011

Sedgwick LLP

By: Joel M. Long_____/s/_____
Joel M. Long
Attorneys for Plaintiff
QUALITY INVESTMENT PROPERTIES
SANTA CLARA, LLC

[PROPOSED] ORDER

Pursuant to the parties' stipulation, the Court orders that the parties may conduct the deposition of Jeffery Kinrich on ^{July}~~June~~ 29, 2011. The Court further advises the parties to consult the jury pretrial standing order, at <http://cand.uscourts.gov/lhkorders>, in order to prepare for the August 24, 2011 pretrial conference.

Dated: July 22, 2011



Lucy H. Koh
United States District Judge